



PUBLIC NOTICE

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DA 04-569

Released: February 26, 2004

WIRELINE COMPETITION BUREAU GRANTS CONSENT FOR ACQUISITION OF CERTAIN ASSETS OF TOUCH AMERICA, INC. (DEBTOR-IN-POSSESSION) BY QWEST COMMUNICATIONS CORPORATION AND QWEST LD CORPORATION

WC Docket No. 03-265

Pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.03 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 63.03, the Wireline Competition Bureau (Bureau) approves the application of Qwest Communications Corporation (QCC) and Qwest Corporation (QC) (together, Qwest) to acquire certain ATM/frame relay switching equipment from Touch America, Inc. (Debtor-in-Possession) (Touch America).¹

No commenters opposed grant of the application. We note that on December 8, 2003, Touch America filed an application for discontinuance of its ATM and Frame Relay services, pursuant to section 63.71 of the Commission's rules, 47 C.F.R. § 63.71.² We defer our consideration of Touch America's discontinuance of its ATM and Frame Relay services to a separate Order, released today, resolving Touch America's discontinuance application.³

The Bureau finds, upon consideration of the record, that the proposed transfer will serve the public interest, convenience and necessity, and therefore grants the requested authorization.⁴

¹ See *Domestic Section 214 Application Filed for Acquisition of Assets of Touch America, Inc. (Debtor-In-Possession) by Qwest Communications Corporation and Qwest LD Corporation*, WC Docket No. 03-265, Public Notice, DA 04-41 (rel. Jan. 9, 2004).

² See *Touch America Section 63.71 Application*, WC Docket No. 03-259 (filed Dec. 8, 2003).

³ See *Touch America, Inc. (Debtor-in-Possession) for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, and Section 63.71 of the Commission's Rules, to Discontinue Domestic Telecommunications Services*, WC Docket No. 03-259, Order, DA 04-566 (rel. Feb. 26, 2004).

⁴ See *Joint Applications of Onepoint Communications Corp. and Verizon Communications for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, To Transfer Control of Authorizations to Provide Domestic Interstate and International Telecommunications Services as a Non-Dominant Carrier*, Memorandum Opinion and Order, 15 FCC Rcd 24165, 24169-171 (CCB 2000) (concluding that incumbent LEC

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the consent granted herein is effective upon the release of the Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Dennis Johnson, Competition Policy Division, Wireline Competition Bureau at (202) 418-0809.

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investment in a financially troubled telecommunications provider that, among other services, offered in-region resale service to only a limited number of customers, was in the public interest).